

**WILLMAR PLANNING COMMISSION
CITY OF WILLMAR, MN
WEDNESDAY, APRIL 18, 2018**

MINUTES

1. The Willmar Planning Commission met on Wednesday, April 18, 2018, at 7:00 p.m. at the Willmar City Offices Conference Room #1.

**** Members Present:** Steve Gardner, Rolf Standfuss, Jeff Kimpling, Terry Sieck, Cletus Frank, Dr. Jerry Kjergaard, and Jonathan Marchand.

**** Members Absent:** Terry VanVeldhuizen and Margaret Fleck.

**** Others Present:** Sarah Anderson – Planner, Cecil Meyer – Willmar, MN

2. MINUTES: Minutes of the April 4, 2018 meeting and April 9, 2018 special meeting were approved as presented.

3. NAVARRO REZONE LB TO R-2 – FILE NO. 18-03: The public hearing opened at 7:01 p.m. Staff presented, on behalf of Victoria and Guadalupe Navarro, Willmar, MN, a request to rezone property from LB (Limited Business) to R-2 (One- and Two-Family Residential). The property is described as follows: Lots 1 & 2 excluding westerly 126.45', Block D, Third Addition to Willmar, thereof subject to driveway easement (108 Becker Ave SE). The property was rezoned from R-2 to LB in 2005 for the original location of the Reading Therapy Center. Mr. and Mrs. Navarro currently have a purchase agreement for the property contingent upon zoning approval. The home will be used for an owner-occupied single family residence.

No one appeared to speak for or against the request and the public hearing closed at 7:02 p.m.

The Planning Commission reviewed and discussed staff comments (see Attachment A).

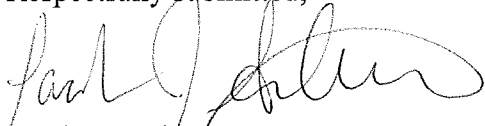
Mr. Kimpling made a motion, seconded by Mr. Frank to approve the rezone and forward it onto the City Council for Ordinance introduction and adoption.

The motion carried.

4. SUBDIVISION ORDINANCE REVIEW, SECTION 1-2: Staff presented the first two sections of the draft Subdivision Ordinance. No changes have been made to Section One (Short Title). Section Two (General Provisions) was reviewed by subdivision. The Planning Commission would like to reference the Storm Water Ordinance in 2.5. (Applicable Findings), as well as revise 2.5.G to state that subdivisions have “access” or the “ability” to be served with public facilities and services, rather than “economically” served. Any grammatical corrections will be sent to staff via email.

5. There being no further business to come before the Commission the meeting adjourned at 7:24 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Sarah J. Anderson', written in dark ink.

Sarah J. Anderson
Planner

PLANNING COMMISSION – APRIL 18, 2018

STAFF COMMENTS

1. NAVARRO REZONE LB TO R-2 – FILE NO. 18-03:

- The applicant is Victoria and Guadalupe Navarro.
- The applicant is requesting a rezone from LB (Limited Business) to R-2 (One- and Two-Family Residential) on property described as: Lots 1 & 2 excluding westerly 126.45', Block D, Third Addition to Willmar, thereof subject to driveway easement (108 Becker Ave SE).
- The applicant is requesting the rezone to allow an owner-occupied single family residence.
- The applicants have a purchase agreement for the property.
- The property is largely surrounded by residential districts (R-2 east and south, R-4 north). Commercial use abuts the property on the west, and screening exists between the uses.
- The zoning would be a decrease in intensity of use.

RECOMMENDATION: Approve the rezone and forward it onto the City Council for Ordinance introduction and adoption.

NOTICE OF HEARING FOR PROPOSED ZONING AMENDMENT

Notice is hereby given that the City of Willmar Planning Commission will meet on Wednesday May 2, 2018, at 7:01 p.m. at the City Office Building (Conference Room #1 main floor), 333 6th St. SW, to consider an ordinance amending No. 1060 known as the Willmar Zoning Ordinance by amending Section 6.J. relating to uses in the Central Business District:

SECTION 6. Ordinance 1060 is hereby proposed to be amended by adding to SECTION 6.J.3. so as to read as follows:

- d. Multi-family dwelling structures, including apartments and townhomes, with off-street parking as determined by Planning Commission.*

April 17, 2018
Date

Sarah J. Anderson
Planner

Si Usted no lee inglés o si este aviso no contiene una explicación suficiente, por favor comuníquese con Maria al 235-0850 ext. 1100, de Heartland Community Action Agency.

Haddii Aadan Akhriyi Karin Ama Aadan Fahmeeynin Ogeeysiiskan, Fadlan Soo Wac: Sahra Gure, West Central Interpreting Services, LLC (320)235-0165 ama (320)441-8555.

**CITY OF WILLMAR
REGULATIONS FOR THE SUBDIVISION AND PLATTING
OF LAND WITHIN THE CITY OF WILLMAR**

ORDINANCE NO. 2.023

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN THE CITY OF WILLMAR, DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR THE PREPARATION OF PLATS: PROVIDING FOR THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS: PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS AND PLAYGROUNDS: ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE CITY OF WILLMAR DOES ORDAIN:

**SECTION 1
SHORT TITLE**

This Ordinance shall be known as the "SUBDIVISION ORDINANCE OF THE CITY OF WILLMAR", and will be referred to herein as "this Ordinance".

**SECTION II.
GENERAL PROVISIONS**

Subdivision 1. Purpose.

In order to safeguard the best interests of the City of Willmar ("the City"), and to assist the subdivider in harmonizing his/her interests with those of the City at large, this Ordinance is adopted in order that adherence to same will bring results beneficial to both parties regulations hereinafter set forth. ~~Because~~ Each new subdivision becomes a permanent unit in the basic structure of the expanding community, ~~and to which the community will be forced to adhere,~~ and ~~because~~ piecemeal planning of subdivisions will bring on undesirable, disconnected ~~patch-work~~ of settlement patterns and poor circulation of traffic unless its design and arrangement is correlated to a the City of Willmar Comprehensive Plan ~~of the City.~~ Aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the purpose of this Ordinance to make certain regulations and requirements for the platting of land within the City of Willmar pursuant to the authority contained in Minnesota Statutes Annotated, Chapters 429, 471, 505 and 462 566, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

Subdivision 2. Jurisdiction.

The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City. These regulations may be applied outside corporate limits, as provided for under Minnesota Statutes Annotated, Chapter 462, when applicable. ~~and the unincorporated area within two miles of its limits; provided that where a municipality lies less than four miles from the limits of Willmar, these regulations shall apply only to a line equidistant from Willmar and said municipality; and provided further, that the governing body or bodies of unincorporated areas adjacent to the City have not adopted ordinances for the regulation of subdivision of land or platting.~~

Subdivision 3. Application of Ordinance.

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Division of land into tracts larger than two and one half acres in area and 150 feet in width shall be exempt from the requirements of this Ordinance, where no new street is involved.

Subdivision 4. Approvals Necessary for Acceptance of Subdivision Plats.

Before any plat shall be recorded or be of any validity, it shall have been approved by the City Planning Commission and by the City Council of Willmar, as having fulfilled the requirements of this Ordinance.

Subdivision 5. Applicable Findings.

Particular attention shall be given to the width and location of streets, sidewalks, suitable sanitary utilities, surface drainage, lot sizes and arrangements, as well as requirements such as parks and playgrounds, schools, recreation sites, and other public uses. All of the following findings shall be made prior to the approval of a subdivision:

- A. All the applicable provisions of the Municipal Code and Ordinances are complied with, including the Zoning and Storm Water Ordinances.
- B. The proposed subdivision will not be detrimental to the present and potential surrounding land uses.
- C. The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.
- D. The subdivision is in conformance with the City Comprehensive Plan.

- E. The subdivision preserves and incorporates the site's important existing natural features, whenever possible.
- F. All land intended for building sites can be used safely without endangering the residents by peril from floods, erosion, continuously high water table, severe soil conditions or other menace.
- G. The subdivision can feasibly be served with public facilities and services.

Subdivision 6. Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

- A. **Block** - An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary of boundaries of the subdivision, or a combination of the above with a river, lake or railroad right-of-way.
- B. **Building Permit** - ~~The building permit required under the Building Code of the City of Willmar.~~ A permit issued by an authorized official of the City to an agent or an owner of land granting lawful authority to build, repair, alter, or reconstruct buildings, structures, or improvements, as required under the City's Building Code.
- C. **City** - The City of Willmar, Minnesota.
- D. **City Council** - ~~is~~ The governing body of the City of Willmar.
- E. **City Engineer** - The professional engineer designated by the Council.
- F. **Comprehensive Plan** - ~~refers to the group of maps, charts and texts that make up the Comprehensive Guide Plan of the City.~~ The Willmar community's formal expression of a community's social and economic goals portrayed graphically and/or in writing, showing the community's desirable future development, the projected uses of private land, and the general location and extent of proposed public facilities.
- G. **County** - Kandiyohi County, Minnesota.
- H. **Deflection Angle** - The angle between a line and the prolongation of the preceding line.
- I. **Design Standards** - ~~are~~ The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right of way, blocks, easements and lots.
- J. **Easement** - A grant by a property owner for the use of land for the purpose of constructing and maintaining any public utilities, storm drainage ways, ponding area, walkways, roadways or other uses.

- K. **Horizontal Curve** - The circular curve connecting two lines at tangent points.
- L. **Lot** - ~~A portion of a subdivision or other parcel of land~~ A parcel of land described by metes and bounds, registered land survey, or plat intended for building development, ~~or for transfer, or ownership.~~
- M. **Owner** - Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of them.
- N. **Parks & Playgrounds** - Public lands and open spaces in the City of Willmar dedicated or reserved for recreation purposes.
- O. **Percentage of Grade** - ~~on-street centerline means~~ The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.
- P. **Pedestrian Way** - A public or private right of way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of utility lines.
- Q. **Planned Unit Development** - An area of land, to be developed as a single entity to encourage residential, commercial and industrial planned unit developments offering greater creativity and flexibility in site plan design which does not necessarily correspond in lot size, bulk, or type of dwelling or commercial or industrial use density, lot coverage and open space to the regulations established in any one district.
- R. **Planning Commission** - The Planning Commission of the City of Willmar.
- S. **Plat** - The drawing, map, or representation on paper of a piece of land subdivided into lots, parcels, tracts, or blocks, including streets, commons, and public grounds, if any, drawn to scale and complete with all irrevocable offers of dedication, pursuant of Minnesota Statute Annotated, Chapter 505, and this Ordinance.
- a. **Final Plat** - A drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by the County for purposes of recording.
- b. **Preliminary Plat** - A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.
- T. **Protective Covenants** - Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.

- U. **Right-of-Way (r/w)** – That portion of a dedicated street, avenue, or other public way lying between its outer boundaries, and on which public streets, boulevards, tree plantings, and sidewalks may be located.
- V. **Street** - A public right of way ~~affording~~ providing primary access by pedestrians and vehicles to abutting properties, whether designated as a ~~street~~ roadway, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, place or however otherwise designated.
- a. **Alley** - A public right of way which affords a secondary means of access to abutting property.
 - b. **Boulevard** – The area of street right-of-way between the curblineline and the property line.
 - c. **Collector Street** - Those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts ~~as shown on the Comprehensive Plan.~~
 - d. **Cul-de-sac** – is Minor streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - e. **Local or Minor Streets** - Those which are used primarily for access to abutting properties.
 - f. **Frontage or Marginal Access Streets** - Those which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.
 - g. **Arterial Streets Thoroughfares** - (Primary and Secondary) Those which are used primarily for heavy traffic, and serving as an arterial traffic way between the various districts of the community ~~as shown the Comprehensive Plan.~~
 - h. **Street Width** - The shortest distance between lines of lots delineating the street right of way.
- W. **Subdivision** - A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than two and one half acres in area or less than 150 feet in width, for the purpose of transfer of ownership, ~~or~~ building development, or tax assessment purposes, ~~if a new street is involved, any division of a parcel of land.~~ The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.
- a. **Minor Subdivision** – A subdivision of land that results in no more than four (4) parcels, and meets all requirements of this Ordinance.

- b. **Major Subdivision** – A subdivision of land that results in more than four (4) parcels and/or does not qualify as a Minor Subdivision in this Ordinance.
- X. **Tangent** - A straight line which is perpendicular to the radius of a curve where a tangent meets a curve.
- Y. ~~**USGS Datum** - The United States Geodetic Survey Datum.~~
- Z. **Vertical Curve** - The surface curvature on a street center line located between lines of different percentage of grade.
- AA. **Zoning Administrator** – The Zoning Administrator of the City of Willmar.

SECTION III. PROCEDURE

Subdivision 1. Minor Subdivision. Preliminary Plat.

Before dividing or combining any tract(s) of land that results in not more than four (4) lots or parcels, the following procedure shall be followed:

A. Qualifications

B. Procedure

a. Submittal to the Planning Commission

b. Submittal to the City Council

** May be provided
at Planning Commission
Meeting*

Subdivision 2. Major Subdivision. Final Plat.

A. Preliminary Plat

Before dividing any tract(s) of land into more than four (4) lots or parcels, or does not qualify as a minor subdivision, the ~~following~~ procedure set forth in this section shall be followed. A preliminary plat application shall be approved or disapproved by the Planning Commission and City Council within the timeline as provided for under Minnesota Statutes Annotated, Chapter 462.

a. Submittal to the Planning Commission

1. A preliminary plat (consistent with the requirements in Section IV), application, and applicable fees shall be submitted to the ~~City Engineer~~ Zoning Administrator at least ~~ten (10)~~ thirty (30) days prior to the Planning Commission meeting at which the same shall be considered. The ~~City~~

Engineer Zoning Administrator shall prepare a report thereon setting out whether or not said plat meets the requirements of State Law, the City's ordinances, and the City of Willmar Comprehensive Plan. The plat may be sent to Willmar Municipal Utilities, the Willmar Fire Chief/Marshall, City Engineering/Public Works, and others as necessary for comment and review. He The Administrator shall present said report, together with recommendations thereon, to the next meeting of the Commission following its filing as hereinabove set out set forth above. Should a plat abut or contain a wetland, lake, or state highway, then the Zoning Administrator shall forward a copy of the proposed plat for comment and review. MNDOT, DNR, Kandiyohi County and any other state or county agencies with comments on the proposed plat shall have thirty (30) days to forward comments to be included in the Zoning Administrators report to the Planning Commission.

2. The Planning Commission shall consider the said plat at the meeting at which it is submitted, and may consider the same at special or adjourned meetings as it shall determine. A public hearing shall be held on all subdivision applications prior to preliminary plat approval within sixty (60) days of filing. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper and to property owners residing within three hundred and fifty (350) feet of the subject property. Such notices shall be sent by the Zoning Administrator, and addresses taken from current county tax records shall be deemed sufficient for such notification. Said notice shall not be less than ten (10) days nor more than thirty (30) days prior to said hearing.
3. The Planning Commission shall have the authority to approve or disapprove said preliminary plat, to approve it with conditions attached, and to disapprove it until and unless certain conditions are first complied with. A preliminary plat application shall be approved or disapproved by the Commission within sixty (60) days following delivery of an application, unless an extension of the review period has been agreed to by the applicant. Upon applicants request for final plat approval, the municipality shall certify final approval within sixty (60) days if the applicant has complied with all conditions and requirements of preliminary approval.
4. Final decision on the preliminary plat by the Planning Commission shall be determined by motion. The final action shall be communicated to the subdivider by the Zoning Administrator, and the Commission's decision shall be forwarded to the City Council with data as applicable. Upon the making of its determination, the Planning Commission shall forward embrace the same within a resolution, which shall include all conditions it requires for approval, or conditions upon which approval will be granted, and shall set forth the reasons for the approval given. A copy of the resolution shall be sent forthwith its decision to the subdivider and a certified copy thereof to the City Council, together with the plat if it is approved, disapproved or approved, conditionally or otherwise.

5. ~~If the Planning Commission disapproves the said plat, or approves it with conditions attached, the subdivider shall have the right to resubmit the same to the Commission without prior submission to the City Engineer Zoning Administrator.~~

b. Submittal to the City Council

1. Upon the adoption of the resolution approval ~~hereinabove~~ provided by the Planning Commission, or in the event the Planning Commission shall fail to act within the time required above, ~~as above set forth~~, the said preliminary plat shall come before the City Council for review.
2. The Council may hold ~~such~~ public hearings on the said plat as it shall ~~in its discretion~~ determine, and upon such, notice as it shall be provided.
3. The Council shall have authority to approve, disapprove, modify and or amend the ~~resolution~~ decision of the Planning Commission, and it may refer the same to the Planning Commission for further study with or without directions. A referral to the Planning Commission shall not be deemed a final action thereon by the City Council, and the Planning Commission shall report back thereon no later than ~~forty five (45)~~ thirty (30) days following the council meeting at which it was referred.
4. ~~Upon Final decision of the preliminary plat by the City Council, it shall embrace its decision in a resolution, provided, however, if it shall adopt the resolution of the Planning Commission without amendment, it may determine the matter~~ be determined by motion.
5. ~~Upon decision by the City Council, the City Clerk shall out charge by motion, to the subdivider and a like copy to the secretary of the Planning Commission (Does the Clerk do this??).~~
6. The approval of the preliminary plat shall not constitute an acceptance of the subdivision, but it shall be deemed to be an authorization to proceed with the preparation of the final plat.
7. The approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval by the City Council.
8. The Subdivider may file a final plat limited to such portion of the preliminary plat which ~~he~~ the subdivider proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion, or all, of the final plat has not been submitted to

the Planning Commission for approval within the time hereinabove provided, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval, unless the Commission and the Council extend the time period of preliminary approval for no more than twelve (12) months.

B. Final Plat

After the preliminary plat has been approved, and the subdivider determines to proceed to secure approval of all or part thereof as a final plat, ~~and the site grading has been completed, the final plat shall be submitted as follows~~ the procedure set forth in this section shall be followed. A final plat shall be approved or disapproved by the Planning Commission and City Council within the timeline as provided for under Minnesota Statutes Annotated, Chapter 462.

a. Submittal to Planning Commission

1. The final plat (consistent with the requirements in Section IV) shall be submitted to the ~~City Engineer~~ Zoning Administrator at least ~~ten (10)~~ fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. The ~~City Engineer~~ Zoning Administrator shall prepare a report ~~thereon setting out clearly stating~~ whether or not said final plat is in substantial agreement with the preliminary plat ~~and if not, in which particulars it varies there from~~, and whether or not it conforms to the requirements of state law and the City's ordinances. ~~The report shall contain a certification that the final plat meets all the conditions attached to the final approval of the preliminary plat, and if the City Engineer Zoning Administrator cannot so certify, it he shall so report be clearly listed in the report to the Planning Commission and the City Council before proceeding.~~
2. The subdivider shall present with the plat to the Planning Commission an abstract of title, or Certificate of Title, with an ~~option~~ opinion of a duly licensed attorney at law certifying that the persons signing the plat are the only owners of interest, either as fee title owners, owners of less than fee, or as mortgagees or lien holders, of the land therein platted. The said attorney's opinion shall also contain a certification that the said plat meets with the requirements imposed by the laws of the State of Minnesota and the ordinances of the City of Willmar, provided, however, that with respect to the requirements of such laws and ordinances dealing with data and provisions of an engineering nature, it shall be sufficient if such opinion sets forth that the requirements of the laws and ordinances respecting questions of engineering, survey and similar technical data are considered to be within the province of the City Engineer and are not passed upon in the opinion.
3. The Planning Commission shall consider the said final plat at the meeting at which it is submitted, and may consider it at such special ~~or adjourned~~ meetings as it shall determine.

4. The Planning Commission shall have the authority to approve or disapprove said plat. If it shall ~~determine that it cannot approve it unless certain~~ conditions required on the preliminary plat have not been met, ~~are attached, it shall by resolution set forth the conditions for approval and forthwith, send a copy of such resolution decision to the subdivider, and all further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if not further action is not taken by the subdivider within a period of three (3) months from the date of the adoption of such decision resolution, the plat shall be deemed to be disapproved.~~
5. Final decision on the final plat by the Planning Commission shall be determined by motion. Final action ~~on the final plat~~ shall be communicated ~~forthwith to the subdivider by the Zoning Administrator, secretary of the Planning Commission, and a certified copy of the resolution of the Planning Commission's decision approving or disapproving the same, shall be sent forwarded to the City Council, together with the plat, the abstracts of title, and the attorney's opinion, and such other data as applicable the Commission approves shall determine.~~
6. If the Planning Commission approves the final plat, the chairman ~~or~~ and the secretary shall sign the same.

b. Submittal to the City Council

1. Upon the ~~adoption of the resolution decision~~ of approval or disapproval by the Planning Commission, or in the even the Planning Commission shall fail to act within the time required above, the final plat shall come before the City Council for review.
2. The Council ~~shall have the authority to~~ may hold such public hearings on the final plat as it shall determine, and upon such, notice ~~as it shall be~~ provided.
3. If the Council is not satisfied with the final plat as presented, it may: (A) disapprove the same; (B) set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or (C) refer the same to the Planning Commission for such further action as it shall determine. Upon such referral, the Planning Commission shall act thereon at the next meeting and report back to the Council no later than ~~forty five (45)~~ thirty (30) days after the said action of the City Council.
4. If the Council shall determine to accept the plat, it shall do so by motion ~~by resolution so determine~~ and the ~~resolution~~ decision shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other open spaces dedicated to public purposes.

5. If the Council shall determine to accept the plat in the face of disapproval by the Planning Commission, it shall ~~adopt such resolution~~ make such decision in conformity with the requirements of the City Charter for overruling the Planning Commission and such action shall be endorsed on the plat over the signature of the City Clerk.
6. The action of the City Council finally determining the matter shall be communicated by the ~~City Clerk~~ Zoning Administrator to the subdivider, and if the plat be disapproved ~~the clerk shall set forth the reasons given by the Council for such determination~~ shall be set forth.
7. If the City Council approves the final plat, the Mayor and the City Clerk shall sign the same.

** Data Requirements for Minor Subdivisions will be added.*

SECTION IV DATA REQUIRED FOR PRELIMINARY PLATS

Subdivision 1. Filing.

The owner or subdivider shall prepare and submit a preliminary plat, together with an application supplied by the Zoning Administrator and applicable fees ~~any necessary supplementary information.~~ ~~Three (3)~~ Six (6) large (22" x 30") and nine (9) small (11" x 17") copies of a preliminary plat of any proposed subdivision shall be filed with the ~~City Engineer~~ Zoning Administrator. Every preliminary plat shall contain the required data set forth in this section.

Subdivision 2. The following Data regarding Identification and Description of the Preliminary Plat shall be provided.

The following data regarding identification and description of the preliminary plat shall be provided:

- A. Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat ~~heretofore~~ recorded in the County.
- B. Location by section, township and range or by other legal description and a survey prepared and certified by a surveyor registered in the state of MN.
- C. Names and addresses of the owner and subdivider having control of the lands included in said preliminary plat, the designer of the plat and the surveyor.
- D. Graphic scale, not less than one inch to one hundred feet.
- E. North point.
- F. Date of preparation.

Subdivision 3. The following data regarding Existing Conditions shall be provided.

The following data regarding existing conditions shall be provided on the preliminary plat:

- A. Boundary line survey, including measured distances and angles, certified by a licensed surveyor ~~which shall close by latitude and departure with an error of closure not exceeding one foot in 7,500 feet.~~
- B. Total acreage in said preliminary plat computed to one hundredth of an acre.
- C. Location and names of existing or platted streets or other public ways, parks, and other public open spaces, permanent buildings and structures, easements, and section and corporate lines within the tract and to a distance of one hundred feet beyond the tract.
- D. If the proposed subdivision is a re-arrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
- E. Location and size of existing paved streets, railroads, sewers, water mains, quarried gravel pits, culverts, or other underground facilities within the tract. Also such data as grades, invert elevations and location of catch basins, manholes and hydrants.
- F. Boundary lines of adjoining platted or unplatted land within one hundred feet of the tract.
- G. ~~Complete~~ United States Geodetic Survey datum topographic map with contour intervals not greater than two feet, water courses, marshes, rock outcrops, high water elevation (if parts of plat are or have been wet) and other significant features; ~~all superimposed on at least one point of the preliminary plat. United States Geodetic Survey datum shall be used for all topographic mapping. High water elevation if parts of plat are wet or have been wet. The required topographic map may be waived if it is deemed unnecessary by the City Engineer and the Planning Commission.~~

Subdivision 4. The following data regarding Proposed Development Design Features of the Preliminary Plat shall be provided.

The following data regarding proposed development design features of the preliminary plat shall be provided:

- A. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street similar to or heretofore used in the City of Willmar shall not be permitted unless the proposed street is an extension of an already named street in which even the names all be used. All street names shall be subject to the approval of the Planning Commission.

- B. Locations and widths of alleys, pedestrian ways and utility easements.
- C. Proposed center line grades of all new streets, and alleys, if any. A complete set of profiles showing both existing and proposed grade lines shall be provided if deemed necessary by the City Engineer.
- ~~D. Location, size and approximate gradient of sewer lines.~~
- E. Layout, numbers and approximate dimensions of lots and the number and letter of each block, all of which shall be clearly shown.
- F. Layout of building envelopes for lots.
- G. Location and size of the proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.
- H. Vicinity sketch, ~~at a legible scale,~~ to show the relation of the plat to its surroundings ~~and surrounding zoning districts.~~

SECTION V DATA REQUIRED FOR FINAL PLATS

Subdivision 1. Filing.

The owner or subdivider shall submit a final plat together with any necessary supplementary information to the Zoning Administrator. ~~Four (4)~~ Three (3) large (22" x 30") copies and one (1) small (11" x 17") copy of the final plat shall be submitted; ~~one of the four copies shall be such as to permit satisfactory reproduction by the Planning and Development Services Department.~~

Subdivision 2. Required Data.~~The final plat shall contain the following~~

The final plat shall contain the following:

- A. The final plat prepared for recording purposes shall be prepared in accordance with provisions of Minnesota State Statutes and applicable municipal ordinances.
- B. Name of subdivision, ~~names~~ which shall not duplicate or too closely approximate the name of any plat recorded in the County ~~existing subdivision.~~
- C. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision, ~~based on an accurate traverse, giving angular and~~

~~linear dimensions which must mathematically close. The allowable error of closure on any portion of a final plat shall be one (1) foot in 7,500 feet.~~

- D. The location of monuments, installed after the completion of site grading, shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments ~~or the nearest established street lines~~, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one half (1/2) inch or larger in diameter extending at least three (3) feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be placed at all quarter section points within the subdivision or on its perimeter.
- E. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
- F. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.
- G. The exact locations, widths, and names of all streets to be dedicated.
- H. Location and width of all easements to be dedicated.
- I. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- J. Name and address of developer and surveyor making the plat.
- K. Scale of plat (~~the scale to be~~ shown graphically and in feet per inch), date and north point.
- L. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements".
- M. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

Subdivision 3. Certification required on final plats.

- A. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and not heretofore dedicated to public use are hereby so dedicated.
- B. Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
- C. Certification showing that all taxes and special assessments due on the property have been paid in full.
- D. Space for certificates of approval to be filled in by the signatures of the Chairman and Secretary of the City Planning Commission, the Mayor, City Clerk, and City Engineer and City Attorney. The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Willmar this
 day of, 20.....
 Signed:

Chairman

Attest:.....

Secretary

The form of approval by the City Council is as follows:

Approved by the City of Willmar, Minnesota this
day of, 20.....
 Signed:.....

Mayor

Attest:.....

City Clerk

The form of approval by the City Engineer is as follows:

Approved by the City Engineer, City of Willmar, Minnesota this
day of, 20.....
 Signed:.....

City Engineer

The form for approval by County Authorities as required.

Subdivision 4. Supplementary documents and information.

- A. A complete set of construction plans for roadways, watermain, sewermain, storm drainage facilities and over lot drainage for all right-of-ways to be dedicated to the City shall be submitted and approved by the City.
- B. One (1) permanent bench mark shall be installed and established for each twenty (20) acres of development or fraction thereof. The bench mark shall be a 3 ¼ inch

diameter geodetic disk set in accordance with the standard details approved by the City.

- C. Copies of restrictive covenants, easements, and declarations affecting the subdivision or any part thereof.
- D. An executed Developers Agreement, where applicable.
- E. A 400 foot scale reduction of the plat.

SECTION VI DESIGN STANDARDS

Subdivision 1. Blocks. *Ask City Engineer for Changes in following Section.??*

- A. Block length - in general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets. Where no existing plats control, the blocks in residential subdivision shall normally not exceed one Thousand (1,000 feet in length), except where topography or other conditions justify a departure from this maximum. In blocks longer than eight hundred (800) feet, pedestrian ways and/or easements through the block may be required. The width and location of such pedestrian ways shall be subject to the approval of the City Engineer and the Planning Commission. Blocks for business or industrial use should normally not exceed six hundred (600) feet in length. *(Are these distances still ok?)*
- B. Block width - the width of the block shall normally be sufficient to allow two (2) tiers of lots of appropriate length. Blocks intended for business or industrial use shall be of such width as to be considered most suitable for their respective use, including adequate space for off-street parking and deliveries.

Subdivision 2. Streets and Alleys.

- A. The arrangement of thoroughfares and collector streets shall conform as nearly as possible to the Willmar Comprehensive Plan. Except for cul-de-sacs, streets normally shall connect with streets already dedicated in adjoining or adjacent subdivisions, or provide for future connections to adjoining unsubdivided tracts or shall be a reasonable projection of streets in the nearest subdivided tracts. The arrangement of thoroughfares and collector streets shall be considered in their relation to the reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed use of the area to be served.
- B. Minor streets should be so planned as to discourage their use by non-local traffic. Dead end streets are prohibited, but cul-de-sacs will be permitted where topography or other conditions justify their use. Cul-de-sacs shall normally not be longer than

**CITY OF WILLMAR
REGULATIONS FOR THE SUBDIVISION AND PLATTING
OF LAND WITHIN THE CITY OF WILLMAR**

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE SUBDIVISION AND PLATTING OF LAND WITHIN THE CITY OF WILLMAR, DEFINING CERTAIN TERMS USED THEREIN; PROVIDING FOR THE PREPARATION OF PLATS: PROVIDING FOR THE INSTALLATION OF STREETS AND OTHER IMPROVEMENTS: PROVIDING FOR THE DEDICATION OF CERTAIN LAND FOR PARKS AND PLAYGROUNDS: ESTABLISHING PROCEDURES FOR THE APPROVAL AND THE RECORDING OF PLATS AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

THE CITY OF WILLMAR DOES ORDAIN:

**SECTION 1
SHORT TITLE**

This Ordinance shall be known as the "SUBDIVISION ORDINANCE OF THE CITY OF WILLMAR", and will be referred to herein as "this Ordinance".

**SECTION II.
GENERAL PROVISIONS**

Subdivision 1. Purpose.

In order to safeguard the best interests of the City of Willmar ("the City"), and to assist the subdivider in harmonizing his/her interests with those of the City at large, this Ordinance is adopted in order that adherence to same will bring results beneficial to both parties regulations hereinafter set forth. Each new subdivision becomes a permanent unit in the basic structure of the expanding community, and piecemeal planning of subdivisions will bring on undesirable, disconnected settlement patterns and poor circulation of traffic unless its design and arrangement is correlated to a the City of Willmar Comprehensive Plan. Aiming at a unified scheme of community interests, all subdivisions of land hereafter submitted for approval to the Planning Commission shall, in all respects, fully comply with the purpose of this Ordinance to make certain regulations and requirements for the platting of land within the City of Willmar pursuant to the authority contained in Minnesota Statutes Annotated, Chapters 505 and 462, which regulations the City Council deems necessary for the health, safety and general welfare of this community.

Subdivision 2. Jurisdiction.

The regulations herein governing plats and the subdivision of land shall apply within the corporate limits of the City. These regulations may be applied outside corporate limits, as provided for under Minnesota Statutes Annotated, Chapter 462, when applicable.

Subdivision 3. Application of Ordinance.

Any plat, hereafter made, for each subdivision or each part thereof lying within the jurisdiction of this Ordinance, shall be prepared, presented for approval, and recorded as herein prescribed. The regulations contained herein shall apply to the subdivision of a lot, tract, or parcel of land into two or more lots, tracts or other division of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Division of land into tracts larger than two and one half acres in area and 150 feet in width shall be exempt from the requirements of this Ordinance, where no new street is involved.

Subdivision 4. Approvals Necessary for Acceptance of Subdivision Plats.

Before any plat shall be recorded or be of any validity, it shall have been approved by the City Planning Commission and by the City Council of Willmar, as having fulfilled the requirements of this Ordinance.

Subdivision 5. Applicable Findings.

Particular attention shall be given to the width and location of streets, sidewalks, suitable sanitary utilities, surface drainage, lot sizes and arrangements, as well as requirements such as parks and playgrounds, schools, recreation sites, and other public uses. All of the following findings shall be made prior to the approval of a subdivision:

- A. All the applicable provisions of the Municipal Code and Ordinances are complied with, including the Zoning and Storm Water Ordinances.
- B. The proposed subdivision will not be detrimental to the present and potential surrounding land uses.
- C. The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.
- D. The subdivision is in conformance with the City Comprehensive Plan.
- E. The subdivision preserves and incorporates the site's important existing natural features, whenever possible.
- F. All land intended for building sites can be used safely without endangering the residents by peril from floods, erosion, continuously high water table, severe soil conditions or other menace.

- G. The subdivision can feasibly be served with public facilities and services.

Subdivision 6. Definitions.

For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

- A. **Block** - An area of land within a subdivision that is entirely bounded by streets or by streets and the exterior boundary of boundaries of the subdivision, or a combination of the above with a river, lake or railroad right-of-way.
- B. **Building Permit** - A permit issued by an authorized official of the City to an agent or an owner of land granting lawful authority to build, repair, alter, or reconstruct buildings, structures, or improvements, as required under the City's Building Code.
- C. **City** - The City of Willmar, Minnesota.
- D. **City Council** - The governing body of the City of Willmar.
- E. **City Engineer** - The professional engineer designated by the Council.
- F. **Comprehensive Plan** - The Willmar community's formal expression of social and economic goals portrayed graphically and in writing, showing the community's desirable future development, the projected uses of private land, and the general location and extent of proposed public facilities.
- G. **County** - Kandiyohi County, Minnesota.
- H. **Deflection Angle** - The angle between a line and the prolongation of the preceding line.
- I. **Design Standards** - The specifications to land owners or subdividers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as right of way, blocks, easements and lots.
- J. **Easement** - A grant by a property owner for the use of land for the purpose of constructing and maintaining any public utilities, storm drainage ways, ponding area, walkways, roadways or other uses.
- K. **Horizontal Curve** - The circular curve connecting two lines at tangent points.
- L. **Lot** - A parcel of land described by metes and bounds, registered land survey, or plat intended for building development, transfer, or ownership.

- M. **Owner** - Includes the plural as well as the singular, and where appropriate shall include a natural person, partnership, firm, association, public or quasi-public corporation, private corporation, or a combination of any of them.
- N. **Parks & Playgrounds** - Public lands and open spaces in the City of Willmar dedicated or reserved for recreation purposes.
- O. **Percentage of Grade** - The distance vertically (up or down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.
- P. **Pedestrian Way** - A public or private right of way across a block or within a block to provide access, to be used by pedestrians and which may be used for the installation of utility lines.
- Q. **Planned Unit Development** - An area of land, to be developed as a single entity to encourage residential, commercial and industrial planned unit developments offering greater creativity and flexibility in site plan design which does not necessarily correspond in lot size, bulk, or type of dwelling or commercial or industrial use density, lot coverage and open space to the regulations established in any one district.
- R. **Planning Commission** - The Planning Commission of the City of Willmar.
- S. **Plat** - The drawing, map, or representation on paper of a piece of land subdivided into lots, parcels, tracts, or blocks, including streets, commons, and public grounds, if any, drawn to scale and complete with all irrevocable offers of dedication, pursuant of Minnesota Statute Annotated, Chapter 505, and this Ordinance.
- a. **Final Plat** - A drawing or map of a subdivision, meeting all the requirements of the City and in such form as required by the County for purposes of recording.
- b. **Preliminary Plat** - A tentative drawing or map of a proposed subdivision meeting requirements herein enumerated.
- T. **Protective Covenants** - Contracts made between private parties as to the manner in which land may be used, with the view to protecting and preserving the physical and economic integrity of any given area.
- U. **Right-of-Way (r/w)** - That portion of a dedicated street, avenue, or other public way lying between its outer boundaries, and on which public streets, boulevards, tree plantings, and sidewalks may be located.
- V. **Street** - A public right of way providing primary access by pedestrians and vehicles to abutting properties, whether designated as a roadway, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, place or however otherwise designated.

- a. **Alley** - A public right of way which affords a secondary means of access to abutting property.
 - b. **Boulevard** – The area of street right-of-way between the curbline and the property line.
 - c. **Collector Street** - Those that carry traffic from minor streets to the major system of thoroughfares and highways, including the principal entrance streets of residential districts.
 - d. **Cul-de-sac** – Minor streets with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - e. **Local or Minor Streets** - Those which are used primarily for access to abutting properties.
 - f. **Frontage or Marginal Access Streets** - Those which are parallel and adjacent to thoroughfares and highways; and which provide access to abutting properties and protection from through traffic.
 - g. **Arterial Streets** - (Primary and Secondary) Those which are used primarily for heavy traffic, and serving as an arterial traffic way between the various districts of the community.
 - h. **Street Width** - The shortest distance between lines of lots delineating the street right of way.
- W. **Subdivision** - A described tract of land which is to be or has been divided into two or more lots or parcels, any of which resultant parcels is less than two and one half acres in area or less than 150 feet in width, for the purpose of transfer of ownership, or building development, or tax assessment purposes. The term includes resubdivision, and, where it is appropriate to the context, relates either to the process of subdividing or to the land subdivided.
- a. **Minor Subdivision** – A subdivision of land that results in no more than four (4) parcels, and meets all requirements of this Ordinance.
 - b. **Major Subdivision** – A subdivision of land that results in more than four (4) parcels and/or does not qualify as a Minor Subdivision in this Ordinance.
- X. **Tangent** - A straight line which is perpendicular to the radius of a curve where a tangent meets a curve.
- Y. **Vertical Curve** - The surface curvature on a street center line located between lines of different percentage of grade.

Z. **Zoning Administrator** – The Zoning Administrator of the City of Willmar.

SECTION III. PROCEDURE

Subdivision 1. Minor Subdivision.

Before dividing or combining any tract(s) of land that results in not more than four (4) lots or parcels, the following procedure shall be followed:

A. Qualifications

B. Procedure

a. Submittal to the Planning Commission

b. Submittal to the City Council

Subdivision 2. Major Subdivision.

A. Preliminary Plat

Before dividing any tract(s) of land into more than four (4) lots or parcels, or does not qualify as a minor subdivision, the procedure set forth in this section shall be followed. A preliminary plat application shall be approved or disapproved by the Planning Commission and City Council within the timeline as provided for under Minnesota Statutes Annotated, Chapter 462.

a. Submittal to the Planning Commission

1. A preliminary plat (consistent with the requirements in Section IV), application, and applicable fees shall be submitted to the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting at which the same shall be considered. The Zoning Administrator shall prepare a report thereon setting out whether or not said plat meets the requirements of State Law, the City's ordinances, and the City of Willmar Comprehensive Plan. The plat may be sent to Willmar Municipal Utilities, the Willmar Fire Chief/Marshall, City Engineering/Public Works, and others as necessary for comment and review. The Administrator shall present said report, together with recommendations, to the next meeting of the Commission following its filing as set forth above. Should a plat abut or contain a wetland, lake, or state highway, then the Zoning Administrator shall forward a copy of the proposed plat for comment and review. MNDOT, DNR, Kandiyohi County and any other state or county agencies with comments on the proposed plat shall have thirty (30) days to forward comments to be included in the Zoning Administrators report to the Planning Commission.

2. The Planning Commission shall consider the said plat at the meeting at which it is submitted, and may consider the same at special meetings as it shall determine. A public hearing shall be held on all subdivision applications prior to preliminary plat approval within sixty (60) days of filing. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper and to property owners residing within three hundred and fifty (350) feet of the subject property. Such notices shall be sent by the Zoning Administrator, and addresses taken from current county tax records shall be deemed sufficient for such notification. Said notice shall not be less than ten (10) days nor more than thirty (30) days prior to said hearing.
3. The Planning Commission shall have the authority to approve or disapprove said preliminary plat, to approve it with conditions attached, and to disapprove it until and unless certain conditions are first complied with.
4. Final decision on the preliminary plat by the Planning Commission shall be determined by motion. The final action shall be communicated to the subdivider by the Zoning Administrator, and the Commission's decision shall be forwarded to the City Council with data as applicable.

b. Submittal to the City Council

1. Upon the approval by the Planning Commission, or in the event the Planning Commission shall fail to act within the time required above, the preliminary plat shall come before the City Council for review.
2. The Council may hold public hearings on the said plat as it shall determine, and upon such, notice shall be provided.
3. The Council shall have authority to approve, disapprove, modify or amend the decision of the Planning Commission, and it may refer the same to the Planning Commission for further study with or without directions. A referral to the Planning Commission shall not be deemed a final action thereon by the City Council, and the Planning Commission shall report back thereon no later than thirty (30) days following the council meeting at which it was referred.
4. Final decision of the preliminary plat by the City Council, shall determine be determined by motion.
5. The approval of the preliminary plat shall not constitute an acceptance of the subdivision, but it shall be deemed to be an authorization to proceed with the preparation of the final plat.
6. The approval of the preliminary plat by the City Council shall be effective for a period of one (1) year from the date of approval by the City Council.

7. The Subdivider may file a final plat limited to such portion of the preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion must conform to all requirements of this Ordinance. If some portion, or all, of the final plat has not been submitted to the Planning Commission for approval within the time hereinabove provided, a preliminary plat must again be submitted to the Planning Commission and the City Council for approval, unless the Commission and the Council extend the time period of preliminary approval for no more than twelve (12) months.

B. Final Plat

After the preliminary plat has been approved, and the subdivider determines to proceed to secure approval of all or part thereof as a final plat, the procedure set forth in this section shall be followed. A final plat shall be approved or disapproved by the Planning Commission and City Council within the timeline as provided for under Minnesota Statutes Annotated, Chapter 462.

a. Submittal to Planning Commission

1. The final plat (consistent with the requirements in Section IV) shall be submitted to the Zoning Administrator at least fourteen (14) days prior to the Planning Commission meeting at which the same shall be considered. The Zoning Administrator shall prepare a report clearly stating whether or not said final plat is in substantial agreement with the preliminary plat, and whether or not it conforms to the requirements of state law and the City's ordinances.
2. The subdivider shall present with the plat to the Planning Commission an abstract of title, or Certificate of Title, with an opinion of a duly licensed attorney at law certifying that the persons signing the plat are the only owners of interest, either as fee title owners, owners of less than fee, or as mortgagees or lien holders, of the land therein platted. The said attorney's opinion shall also contain a certification that the said plat meets with the requirements imposed by the laws of the State of Minnesota and the ordinances of the City of Willmar, provided, however, that with respect to the requirements of such laws and ordinances dealing with data and provisions of an engineering nature, it shall be sufficient if such opinion sets forth that the requirements of the laws and ordinances respecting questions of engineering, survey and similar technical data are considered to be within the province of the City Engineer and are not passed upon in the opinion.
3. The Planning Commission shall consider the said final plat at the meeting at which it is submitted, and may consider it at such special meetings as it shall determine.
4. The Planning Commission shall have the authority to approve or disapprove said plat. If conditions required on the preliminary plat have not been met, all

further action on the plat shall be suspended until the subdivider shall respond thereto, provided that if further action is not taken by the subdivider within a period of three (3) months from the date of such decision, the plat shall be deemed to be disapproved.

5. Final decision on the final plat by the Planning Commission shall be determined by motion. Final action shall be communicated to the subdivider by the Zoning Administrator, and the Commission's decision shall be forwarded to the City Council, together with the plat and data as applicable.
6. If the Planning Commission approves the final plat, the chairman and the secretary shall sign the same.

b. Submittal to the City Council

1. Upon the decision of approval or disapproval by the Planning Commission, or in the even the Planning Commission shall fail to act within the time required above, the final plat shall come before the City Council for review.
2. The Council may hold such public hearings on the final plat as it shall determine, and upon such, notice shall be provided.
3. If the Council is not satisfied with the final plat as presented, it may: (A) disapprove the same; (B) set forth such conditions and requirements as it shall require to be fulfilled before the same is approved; or (C) refer the same to the Planning Commission for such further action as it shall determine. Upon such referral, the Planning Commission shall act thereon at the next meeting and report back to the Council no later than thirty (30) days after the said action of the City Council.
4. If the Council shall determine to accept the plat, it shall do so by motion and the decision shall provide for the acceptance of all streets, alleys, easements or other public ways, parks, and other open spaces dedicated to public purposes.
5. If the Council shall determine to accept the plat in the face of disapproval by the Planning Commission, it shall make such decision in conformity with the requirements of the City Charter for overruling the Planning Commission and such action shall be endorsed on the plat over the signature of the City Clerk.
6. The action of the City Council finally determining the matter shall be communicated by the Zoning Administrator to the subdivider, and if the plat be disapproved the reasons given by the Council for such determination shall be set forth.
7. If the City Council approves the final plat, the Mayor and the City Clerk shall sign the same.

SECTION IV
DATA REQUIRED FOR PRELIMINARY PLATS

Subdivision 1. Filing.

The owner or subdivider shall prepare and submit a preliminary plat, together with an application supplied by the Zoning Administrator and applicable fees. Six (6) large (22" x 30") and nine (9) small (11" x 17") copies of a preliminary plat of any proposed subdivision shall be filed with the Zoning Administrator. Every preliminary plat shall contain the required data set forth in this section.

Subdivision 2. Identification and Description.

The following data regarding identification and description of the preliminary plat shall be provided:

- A. Proposed name of subdivision, which name shall not duplicate or too closely approximate the name of any plat recorded in the County.
- B. Location by section, township and range or by other legal description and a survey prepared and certified by a surveyor registered in the state of MN.
- C. Names and addresses of the owner and subdivider having control of the lands included in said preliminary plat, the designer of the plat and the surveyor.
- D. Graphic scale, not less than one inch to one hundred feet.
- E. North point.
- F. Date of preparation.

Subdivision 3. Existing Conditions.

The following data regarding existing conditions shall be provided on the preliminary plat:

- A. Boundary line survey, including measured distances and angles, certified by a licensed surveyor.
- B. Total acreage in said preliminary plat computed to one hundredth of an acre.
- C. Location and names of existing or platted streets or other public ways, parks, and other public open spaces, permanent buildings and structures, easements, and section

and corporate lines within the tract and to a distance of one hundred feet beyond the tract.

- D. If the proposed subdivision is a re-arrangement or a replat of any former plat, the lot and block arrangement of the original plat along with its original name shall be indicated by dotted or dashed lines. Also, any revised or vacated roadways of the original plat shall be so indicated.
- E. Location and size of existing paved streets, railroads, sewers, water mains, quarried gravel pits, culverts, or other underground facilities within the tract. Also such data as grades, invert elevations and location of catch basins, manholes and hydrants.
- F. Boundary lines of adjoining platted or unplatted land within one hundred feet of the tract.
- G. United States Geodetic Survey datum topographic contour intervals not greater than two feet, water courses, marshes, rock outcrops, high water elevation (if parts of plat are or have been wet) and other significant features superimposed on the preliminary plat.

Subdivision 4. Proposed Development Design.

The following data regarding proposed development design features of the preliminary plat shall be provided:

- A. Layout of proposed streets, showing right-of-way widths and proposed names of streets. The name of any street similar to or heretofore used in the City of Willmar shall not be permitted unless the proposed street is an extension of an already named street in which even the names all be used. All street names shall be subject to the approval of the Planning Commission.
- B. Locations and widths of alleys, pedestrian ways and utility easements.
- C. Proposed center line grades of all new streets, and alleys, if any. A complete set of profiles showing both existing and proposed grade lines shall be provided if deemed necessary by the City Engineer.
- D. Layout, numbers and approximate dimensions of lots and the number and letter of each block, all of which shall be clearly shown.
- E. Layout of building envelopes for lots.
- F. Location and size of the proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, or to be reserved by deed of covenant for the use of all property owners in the subdivision and any conditions of such dedication or reservation.

G. Vicinity sketch, to show the relation of the plat to its surroundings.

SECTION V DATA REQUIRED FOR FINAL PLATS

Subdivision 1. Filing.

The owner or subdivider shall submit a final plat together with any necessary supplementary information to the Zoning Administrator. Three (3) large (22" x 30") copies and one (1) small (11" x 17") copy of the final plat shall be submitted.

Subdivision 2. Required Data.

The final plat shall contain the following:

- A. The final plat prepared for recording purposes shall be prepared in accordance with provisions of Minnesota State Statutes and applicable municipal ordinances.
- B. Name of subdivision, which shall not duplicate or too closely approximate the name of any plat recorded in the County.
- C. Location by section, township, range, county and state, and including descriptive boundaries of the subdivision.
- D. The location of monuments, installed after the completion of site grading, shall be shown and described on the final plat. Locations of such monuments shall be shown in reference to existing official monuments, including true angles and distances to such reference points or monuments. Permanent markers shall be placed at each corner of every block or portion of a block, points of curvature and points of tangency on street lines, and at each angle point on the boundary of the subdivision. A permanent marker shall be deemed to be a steel rod or pipe, one half (1/2) inch or larger in diameter extending at least three (3) feet below the finished grade. In situations where conditions prohibit the placing of markers in the locations prescribed above, offset markers will be permitted. The exact location of all markers shall be placed at all quarter section points within the subdivision or on its perimeter.
- E. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and/or arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
- F. Lots shall be numbered clearly. If blocks are to be numbered or lettered, these should be shown clearly in the center of the block.

- G. The exact locations, widths, and names of all streets to be dedicated.
- H. Location and width of all easements to be dedicated.
- I. Boundary lines and description of boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
- J. Name and address of developer and surveyor making the plat.
- K. Scale of plat (shown graphically and in feet per inch), date and north point.
- L. Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under and along the strips marked "utility easements".
- M. Statement dedicating all streets, alleys and other public areas not previously dedicated as follows: Streets, alleys and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

Subdivision 3. Certification required on final plats.

- A. Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plat and not heretofore dedicated to public use are hereby so dedicated.
- B. Notarized certification by registered land surveyor, to the effect that the plat represents a survey made by him and that monuments and markers shown therein exist as located and that all dimensional and geodetic details are correct.
- C. Certification showing that all taxes and special assessments due on the property have been paid in full.
- D. Space for certificates of approval to be filled in by the signatures of the Chairman and Secretary of the Planning Commission, the Mayor, City Clerk, and City Engineer.
The form of approval by the Planning Commission is as follows:

Approved by the Planning Commission of the City of Willmar this
..... day of, 20.....

Signed:
Chairman

Attest:.....
Secretary

The form of approval by the City Council is as follows:

Approved by the City of Willmar, Minnesota this
.....day of, 20.....

Signed:.....

Mayor

Attest:.....

City Clerk

The form of approval by the City Engineer is as follows:

Approved by the City Engineer, City of Willmar, Minnesota this

.....day of, 20.....

Signed:.....

City Engineer

The form for approval by County Authorities as required.

Subdivision 4. Supplementary documents and information.

- A. A complete set of construction plans for roadways, watermain, sewermain, storm drainage facilities and over lot drainage for all right-of-ways to be dedicated to the City shall be submitted and approved by the City.
- B. One (1) permanent bench mark shall be installed and established for each twenty (20) acres of development or fraction thereof. The bench mark shall be a 3 ¼ inch diameter geodetic disk set in accordance with the standard details approved by the City.
- C. Copies of restrictive covenants, easements, and declarations affecting the subdivision or any part thereof.
- D. An executed Developers Agreement, where applicable.